

TITLE VI. BUSINESS AND OCCUPATION

Cross Reference—As to enhanced enterprise zone, §140.130.

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010: DEFINITIONS

When used in this Chapter, the following words shall have the following meanings:

AMUSEMENT PLACE: Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

CLOSED PLACE: A place where all doors are locked and where no patrons are in the place or about the premises.

INTOXICATING LIQUOR: Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume, except for non-intoxicating beer as defined herein. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

LIGHT WINES: An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

MALT LIQUOR: An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

NON-INTOXICATING BEER: Any beer manufactured from pure hops or pure extract of hops, and pure barley malt, or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

ORIGINAL PACKAGE: Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer. "*Original package*" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

PERSON: An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

RESORT: Any establishment having at least thirty (30) rooms for the overnight accommodation of transient guests having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross food receipts requirements of this definition, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort.

RESTAURANT BAR: Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

SECTION 600.015: SALE BY THE DRINK DEFINED

The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

SECTION 600.020: LICENSE REQUIRED—CLASSES OF LICENSES

- A. No person shall sell or offer for sale intoxicating liquor or non-intoxicating beer in the City of Mount Vernon without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer:
 - 1. *Package liquor—malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold.
 - 2. *Package liquor—non-intoxicating beer:* Sales of non-intoxicating beer at retail in the original package not for consumption on the premises where sold.
 - 3. *Package liquor—all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (2) of this Section.
 - 4. *Malt liquor by the drink:* Sales of malt liquor at retail by the drink for consumption on the premises, which license shall also permit the holder thereof to sell non-intoxicating beer as defined in Section 600.010 of this Chapter and set out in Subsection (6) hereof.

5. *Liquor by the drink—malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (6) of this Section.
 6. *Liquor by the drink—non-intoxicating beer:* Sales of non-intoxicating beer at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection (B)(2) of this Section.
 7. *Liquor by the drink—all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(3) of this Section.
- C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 9:00 A.M. and Midnight:
1. *Package liquor—all kinds:* Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.
 2. *Liquor by the drink—restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
 3. *Liquor by the drink—amusement place:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
- D. *Permits.*
1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
 2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(3) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

SECTION 600.030: LICENSE REGULATIONS

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive

of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

B. *Newly-Opened Restaurant Bars Or Amusement Places.*

1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.
2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

C. *Temporary Permit For Sale By Drink—Certain Organizations.*

1. The City Clerk may issue a permit for the sale of intoxicating liquor and non-intoxicating beer for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

D. *Operating Hours, Days.*

1. No person having a license issued pursuant to this Chapter, nor any employee of such person shall sell, give away or permit the consumption of, any intoxicating liquor or non-intoxicating beer in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays, and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday, upon or about his/her premises,

except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor or non-intoxicating beer by the drink shall keep a closed place during the aforementioned prohibited times.

2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.
4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

- F. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

SECTION 600.040: SCHEDULE OF LICENSE FEES

The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:

1. *General licenses.*

- a. Malt liquor—original package.....\$75.00
- b. Non-intoxicating beer—original package.....\$22.50
- c. Intoxicating liquor (all kinds)—original package.....\$150.00
- d. Malt liquor-by drink.....\$75.00
- e. Malt liquor and light wines—by drink.....\$75.00
- f. Non-intoxicating beer—by drink.....\$37.50
- g. Intoxicating liquor (all kinds)—by drink.....\$450.00

2. *Sunday sales.* (Additional fees)

- a. Intoxicating liquor—original package.....\$300.00
- b. Restaurant bars.....\$300.00
- c. Amusement places.....\$300.00
- d. Liquor by the drink—charitable organizations.....\$300.00

3. *Permits.*

- a. Temporary permit—by the drink for certain organizations (7 days max.).....\$37.50
- b. Tasting permit.....\$37.50

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

SECTION 600.050: APPLICATION FOR LICENSE AND RENEWAL

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.
- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale

contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business and, if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Aldermen also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.

- C. *Hearing On Application.* Upon the filing of the application with the Clerk, the Clerk shall fix a date for a hearing before the Board not more than thirty-one (31) days from the date of filing of the application and shall give the applicant written notice of the date of the hearing. The hearing shall be conducted in accordance with Section 600.140 of this Chapter.
1. The Board shall consider the location of the proposed business for which a license is sought with respect to its proximity to a church, a public park or playground and to other places of the character for which a license is sought and shall have authority to refuse to issue a license when in their judgment the issuance thereof would not be in the best interests of the locality in which the applicant applies for a location of such place. In no event shall the Board approve the issuance of a license for the sale of liquor within three hundred (300) feet of any church or other building regularly used as a place of worship; except that when a church or place of worship shall thereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for this reason. This Subsection shall not apply to a holder of a license issued pursuant to Section 311.090, 311.218, 311.482, RSMo., or to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. In no event shall the Board approve the issuance of a license for the sale of liquor within one hundred (100) feet of any school; except that when a school shall thereafter be established within one hundred (100) feet of any place of business licensed to sell intoxicating liquor, renewal of the license shall not be denied for this reason.
 2. The Board shall approve the application if after the hearing it finds that:
 - a. Issuance of the requested license would be in the best interests of the locality of the proposed business;
 - b. The applicant is a person of good moral character, a native born or naturalized citizen of the United States of America, a registered voter and a taxpaying citizen of the City;
 - c. No license theretofore issued to such applicant to sell intoxicating liquors has been revoked within two (2) years of the date of the application;
 - d. The applicant has not been convicted since the ratification of the Twenty-First Amendment to the Constitution of the United States of the violation of any law applicable to the sale of intoxicating liquor, or that such applicant has not employed in his/her business any

person whose license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid;

- e. The applicant plans and proposes to conduct a retail liquor business in compliance with the laws of the State of Missouri, the ordinances of the City and the provisions of this Chapter.

D. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.

- E. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in Subsection (D) of this Section.

SECTION 600.060: LICENSES ISSUED ONLY IN BUSINESS DISTRICT

In no event shall any license be issued for the sale of intoxicating beverages except in the "*business district*", herein defined as any area within the City limits of Mount Vernon, Missouri, that is within zoning districts designated as "B-2", "B-3" or "M-1". (Ord. No. 7.24 §10, 3-21-81; Ord. No. 7.42 §3, No Date; Ord. No. 7.46 §1, 11-8-05; Ord. No. 7.48 §1, 12-13-05; Ord. No. 7.50 §1, 3-27-07)

SECTION 600.070: WINE OR BRANDY MANUFACTURER'S LICENSE, FEE—USE OF MATERIALS PRODUCED OUTSIDE STATE, LIMITATION, EXCEPTION—WHAT SALES MAY BE MADE—WHEN

- A. For the privilege of manufacturing wine or brandy, which manufacturing shall be in accordance with all provisions of Federal law and Missouri State law applicable thereto except as may otherwise be specified in Mount Vernon City ordinances, in quantities not to exceed five hundred thousand (500,000) gallons, not in excess of eighteen percent (18%) of alcohol by weight for wine, or not in excess of thirty-four percent (34%) of alcohol by weight for brandy from grapes, berries, other fruits, fruit products, honey and vegetables produced or grown in the State of Missouri, exclusive of sugar, water and spirits, there shall be paid to and collected by the Revenue Collector for the City of Mount Vernon, Missouri, a license fee of seven dollars fifty cents (\$7.50) for each five hundred (500) gallons or fraction thereof of wine or brandy produced up to a maximum license fee of four hundred fifty dollars (\$450.00).
- B. Notwithstanding the provisions of Subsection (A) of this Section, a manufacturer licensed under this Section may use in any calendar year such wine- and brandy-making material produced or grown

outside the State of Missouri in a quantity not exceeding fifteen percent (15%) of the manufacturer's wine entered into fermentation in the prior calendar year.

- C. Any year when a natural disaster causes substantial loss to the Missouri crop of grapes, berries, other fruits, fruit products, honey or vegetables from which wines are made, the City of Mount Vernon, Missouri, shall allow a certain additional percent, based on the prior calendar year's production of such products, to be purchased outside the State of Missouri to be used and offered for sale by Mount Vernon, Missouri, wineries, all in accordance with the percent of loss as shall be determined by the Director of the Department of Agriculture for the State of Missouri.
- D. A manufacturer licensed under this Section may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under this Section and may purchase and sell bulk or packaged wines or brandies received from other manufacturers licensed under the laws of the State of Missouri or other States and may also purchase in bulk, bottle and sell to duly licensed wineries, wholesalers and retail dealers on any day except Sunday, and a manufacturer licensed under this Section may offer samples of wine and may sell wine and brandy in its original package directly to consumers at the winery and may open wine so purchased by customers so that it may be consumed on the winery premises on Monday through Saturday between 6:00 A.M. and Midnight and on Sunday between 11:00 A.M. and 10:00 P.M. (Ord. No. 7.47 §1, 11-8-05)

SECTION 600.075: WINE OR BRANDY MANUFACTURER MAY PROVIDE SAMPLES FOR TASTING PURPOSES OFF OF LICENSED RETAIL PREMISES

- A. Any manufacturer of wine or brandy licensed in the City of Mount Vernon or an employee may provide and pour wine or brandy off the licensed retail premises for tasting purposes, provided no sales transactions take place. For purposes of this Section, a "*sales transaction*" shall mean an actual or immediate exchange of money as consideration for immediate delivery of goods at the tasting site.
- B. Notwithstanding any other provision of Chapter 600 of the Mount Vernon City Code, a manufacturer of wine or brandy or an employee may provide, furnish or pour wine or brandy for tasting purposes at any location or event for which a temporary permit has been obtained, provided that no sales transactions take place. (Ord. No. 7.52 §1, 11-13-07)

SECTION 600.078: LICENSE FOR LIQUOR BY DRINK TO ONLY BE ALLOWED AFTER ELECTION—EXCEPTION

A license to sell intoxicating liquor by the drink shall not be issued unless and until an election as called for by Section 311.090, RSMo., is held and the issuance of such license is approved unless the applicant is an exempt organization under the terms of Section 311.090, RSMo. (Ord. No. 7.51 §1, 5-22-07)

SECTION 600.080: CERTAIN LOCATIONS—LICENSES NOT GRANTED

No license shall be granted for the sale of intoxicating liquor or non-intoxicating beer, as defined in Section 600.010, within three hundred (300) feet of any church or other building regularly used as a place of religious worship. (Ord. No. 7.37 §2, 5-8-90; Ord. No. 7.49 §1, 12-13-05)

SECTION 600.090: REGISTRATION OF KEGS

- A. *Definitions.* For purposes of this Section, the following definitions shall apply:

KEG: Any container capable of holding four (4) gallons or more of beer, wine or intoxicating liquor that is designed to dispense beer, wine or intoxicating liquor directly from the container for purposes of consumption, except for kegs distributed by a licensed distributor for wholesale purposes only.

LICENSEE: Any person holding a license within the City to sell beer, wine or intoxicating liquor.

REGISTRATION SEAL: Any document, stamp, declaration, seal, decal, sticker, tag or other device designated by the Chief of Police of the City to be affixed to kegs which displays a registration number and such other information as may be prescribed by the City.

- B. *Registration Declaration/Seal Requirement.* No licensee shall sell, lease or surrender control of any beer, wine or intoxicating liquor in a keg without:
1. Requiring the renter or purchaser of the keg to sign a declaration and receipt for the keg in substantially the form required by the Chief of Police of the City;
 2. Requiring the renter or purchaser to provide identification showing that the renter or purchaser is twenty-one (21) years of age or older;
 3. Requiring the renter or purchaser to sign a sworn statement on the declaration, under penalty of perjury, that:
 - a. The renter or purchaser is of legal age to purchase, possess or consume intoxicating liquor and non-intoxicating beer;
 - b. The renter or purchaser will not allow any person under the age of twenty-one (21) years to consume the beverage in violation of the laws of the State of Missouri and the ordinances of the City; and
 - c. The renter or purchaser will not remove, obliterate or allow to be removed or obliterated the registration seal required to be affixed to the keg under this Section.
 4. Informing the renter or purchaser of his/her duty to maintain a copy of the declaration next to or adjacent to the keg or other container, in no event at a distance greater than five (5) feet and visible without a physical barrier from the keg, during the time that the keg or other container is in the renter's or purchaser's possession or control, and of the renter's or purchaser's duty to present the declaration to a Law Enforcement Officer upon request;
 5. Having a registration seal on or attached to the keg in accordance with the rules adopted by the Chief of Police of the City; and
 6. Retaining copies of the receipt and declaration on the licensed premises for a period of one (1) year following the transaction, which shall be available to any Law Enforcement Officer or representative of the Chief of Police of the City upon request.
- C. No person shall purchase, lease or obtain control of any beer, wine or intoxicating liquor in a keg without:
1. Providing identification showing the person's age;
 2. Being of legal age to purchase, possess or consume intoxicating liquor and non-intoxicating beer;

3. Signing a receipt for the keg in substantially the form required by the Chief of Police of the City;
 4. Signing a declaration for the keg in substantially the form required by the Chief of Police of the City.
- D. Any person obtaining a keg from a seller or distributor not a licensee of the City for use or consumption at one (1) or more locations within the City limits shall in person present the receipt for the rental or sale of the keg to the City Chief of Police or his/her designee for this purpose during regular business hours and prior to any consumption from or use of the keg within the City limits, shall provide to the Chief of Police or his/her designee identification demonstrating proof of age and the other information required to be obtained by a licensee from a keg renter or purchaser and shall sign and obtain the receipt, seal and declaration from the Chief of Police or his/her designee. The renter or purchaser shall be responsible for attaching the seal to the keg and maintaining the declaration as required by this Section.
- E. No person who has purchased, leased or obtained control of any beer, wine or intoxicating liquor in a keg shall:
1. Allow any person under the age of twenty-one (21) years to consume the beverage;
 2. Remove, obliterate or allow to be removed or obliterated the identification required under rules adopted by the Chief of Police of the City;
 3. Fail to maintain a copy of the declaration next to or adjacent to the keg or other container, in no event at a distance of greater than five (5) feet and visible without a physical barrier from the keg, during the time that the keg or the container is in the renter's or purchaser's possession or control and to present the declaration to a Law Enforcement Officer for examination upon request.
- F. *Seizure Or Forfeiture Of Keg.* If any person is in possession of a keg used for or containing beer, wine or intoxicating liquor in violation of this Section, then the keg and its contents shall be subject to seizure and forfeiture. This remedy shall not be exclusive and shall be in addition to any other remedies which may be available for the violation of the provisions of this Section, including the prosecution, conviction and punishment pursuant to this Section of any person violating its provisions.
- G. *Responsibility To Maintain Records.* A licensee shall maintain a complete and accurate record of all registration declarations and other documentation of the rental or sale of kegs at the licensed

premises for a period of one (1) year. Such records regarding keg sale shall be open to inspection by the City or other Law Enforcement Officers at a reasonable date and time.

- H. *Penalty Clause.* Any person who violates the terms of this Section shall upon conviction thereof be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. (Ord. No. 7.45 §§1–2, 2001)

SECTION 600.100: RESERVED

SECTION 600.110: MINORS

A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.*

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.
2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
3. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

- B. *Sales To Minor—Exceptions.* No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.

C. *Misrepresentation Of Age By Minor To Obtain Liquor—Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.

2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.
- D. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating liquor or non-intoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer. (Ord. No. 7.53 §1, 5-13-08)

SECTION 600.120: MISCELLANEOUS OFFENSES

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- C. *Unlawful To Sell Unlabeled Liquor—Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.

D. *Only Those Liquors Authorized By License To Be Kept On Premises.*

1. It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
2. Any retailer licensed pursuant to this Chapter shall not:
 - a. Sell intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
 - b. Repackage intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.

E. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

F. *Drinking In Public Places Prohibited.*

1. For purposes of this Section, the term "*public place*" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.
2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.
3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.
4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

G. *Live Entertainment On Premises Prohibited.* No person licensed for the sale of intoxicating liquor by the drink for consumption on the premises shall permit or allow any live entertainment on the premises. The playing and singing of music solely shall not be considered entertainment under this Section.

SECTION 600.130: ADMINISTRATION OF LAW—LICENSE SUSPENSION

- A. *Suspension Or Revocation Of License—When—Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and

prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.140 of this Chapter.

B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:

1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;
2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;
3. Making a false affidavit in an application for a license under this Chapter;
4. Failing to keep an orderly place or house;
5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
7. Selling, giving, or otherwise supplying intoxicating liquor to:
 - a. Any person under the age of twenty-one (21) years,
 - b. Any person during unauthorized hours on the licensed premises,
 - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
 - d. Any person on the licensed premises during a term of suspension as ordered by the Board.

C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.

D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

SECTION 600.140: HEARINGS UPON SUSPENSION OR REVOCATION OF LICENSES

- A. *Testimony—Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.
- B. *Witnesses—How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.
- D. *Decision—Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.130 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

SECTION 600.150: WARNING SIGN DISPLAYED—LIQUOR LICENSES

- A. Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises.
- B. Any employee of the Supervisor of Alcohol and Tobacco Control may report a violation of this Section to the Supervisor, and the Supervisor shall issue a warning to the licensee of the violation.

SECTION 600.160: PENALTIES

Any person violating any of the provisions of this Chapter shall upon conviction be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

CHAPTER 605: MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I. PEDDLERS AND SOLICITORS

SECTION 605.010: DEFINITIONS

As used in this Chapter, the following words have the meaning indicated:

CANVASSER: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service.

PEDDLER: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell a good or service. A "*peddler*" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "*solicitor*".

SOLICITOR: A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service.

SECTION 605.020: EXCEPTION

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

SECTION 605.030: IDENTIFICATION CARD REQUIRED FOR PEDDLERS AND SOLICITORS, AVAILABLE FOR CANVASSERS

No person shall act as a peddler or as a solicitor within the City without first obtaining an identification card in accordance with this Chapter. A canvasser is not required to have an identification card but any canvasser wanting an identification card for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.

SECTION 605.040: LICENSE FEE

The license fee for either peddling or soliciting and canvassing shall be: for one (1) day, five dollars (\$5.00); for six (6) months, thirty-five dollars (\$35.00); for one (1) year, seventy-five dollars (\$75.00); and in addition thereto a fee of three dollars (\$3.00) shall be paid the City Clerk for issuing each license. (Ord. No. 7.15 §3, 6-2-70)

SECTION 605.050: APPLICATION FOR IDENTIFICATION CARD

Any person or organization, formal or informal, may apply for one (1) or more identification cards by completing an application form at the office of the issuing officer during regular office hours.

SECTION 605.060: CONTENTS OF APPLICATION

The applicant, person or organization shall provide the following information:

1. Name of applicant.
2. Number of identification cards required.
3. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, State identification card, passport or other government-issued identification card issued by a government within the United States containing this information may be provided and a photocopy taken. If a photograph is not supplied, the City will take an instant photograph of each person for which a card is requested at the application site. The actual cost of the instant photograph will be paid by the applicant.
4. The permanent and, if any, local address of the applicant.
5. The permanent and, if any, local address of each person for whom a card is requested.
6. A brief description of the proposed activity related to this identification card. Copies of literature to be distributed may be substituted for this description at the option of the applicant.
7. Date and place of birth for each person for whom a card is requested and, if available, the social security number of such person.
8. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven (7) years immediately prior to the application.
9. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a card is requested.
10. If a card is requested for a peddler:
 - a. The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.
 - b. A copy of the principal's sales tax license as issued by the State of Missouri provided that no copy of a license shall be required of any business which appears on the City's annual report of sales tax payees as provided by the Missouri Department of Revenue.
 - c. The location where books and records are kept of sales which occur within the City and which are available for City inspection to determine that all City sales taxes have been paid.
11. If a card is requested for a solicitor:

- a. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted.
 - b. The web address for this organization, person or group or other address where residents having subsequent questions can go for more information.
12. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

SECTION 605.070: ISSUANCE OF IDENTIFICATION CARD

The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years,
2. With respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven (7) years, or
3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

SECTION 605.080: INVESTIGATION

During the period of time following the application for one (1) or more identification cards and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the sixteen (16) business hours provided in Section 605.070, the identification card will nonetheless be issued subject, however, to administrative revocation upon completion of the investigation. If a canvasser requests an identification card, the investigation will proceed as described above, but if the City refuses to issue the identification card (or revokes it after issuance), the canvasser will be advised that the failure to procure an identification card does not prevent him/her from canvassing the residents of the City.

SECTION 605.090: IDENTIFICATION CARDS OF OTHER CITY

Instead of the application procedure above, if an applicant produces identification cards issued by another City having an ordinance substantially the same as this one, the issuing officer may in his/her discretion immediately issue identification cards without the necessity of a formal application or investigation.

SECTION 605.100: DENIAL—ADMINISTRATIVE REVOCATION

If the issuing officer denies, or upon completion of an investigation revokes, the identification card to one (1) or more person, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral

notification and even before the preparation of the written report, the applicant shall have at his/her option an appeal of the denial of his/her application before the following tribunal:

1. The Board of Aldermen at its next regular meeting or, if the next regular meeting is more than ten (10) days from the denial of the application, at a special meeting to be held within that ten (10) day period, due notice of which is to be given to the public and the applicant.
2. Before the Municipal Court of the City, provided that such a hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant.
3. Before an administrative tribunal or hearing board, provided that such a hearing will be scheduled within ten (10) days of the request, due notice of which is to be given to the public and the applicant.

SECTION 605.110: HEARING ON APPEAL

If the applicant requests a hearing under Section 605.100, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri and review from the decision (on the record of the hearing) shall be had to the Circuit Court of the County in which the City is located. The hearing shall also be subject to the Missouri open meetings and records law.

SECTION 605.120: DISPLAY OF IDENTIFICATION CARD

Each identification card shall be, when the individual for whom it was issued is acting as a peddler or solicitor, worn on the outer clothing of the individual as so to be reasonably visible to any person who might be approached by said person.

SECTION 605.130: VALIDITY OF IDENTIFICATION CARD

An identification card shall be valid within the meaning of this Chapter for a period of six (6) months from its date of issuance or the term requested, whichever is less.

SECTION 605.140: REVOCATION OF CARD

In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:

1. Any violation of this Chapter by the applicant or by the person for whom the particular card was issued.
2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.

4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the City Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section 605.100 above.

SECTION 605.150: NO VISIT LIST

The issuing officer shall maintain a list of persons within the City who restrict visits to their residential property (including their leasehold, in the case of a tenant) by peddlers, solicitors and canvassers. The issuing officer may provide a form to assist residents, and this form may allow the resident to select certain types of visits that the resident finds acceptable while refusing permission to others. This "no visit" list shall be a public document and available for public inspection and copying. A copy of the "no visit" list shall be provided to each applicant for and each recipient of an identification card. If a canvasser chooses not to apply for an identification card, it will be the responsibility of that canvasser to obtain in some other way a copy of the current "no visit" list.

SECTION 605.160: DISTRIBUTION OF HANDBILLS AND COMMERCIAL FLYERS

In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

1. No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The Police are authorized to remove any handbill or flyer found within the right-of-way.
2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
3. No handbill or flyer shall be left at or attached to any of the property
 - a. Listed on the City "no visit" list, or
 - b. Having a "no solicitor" sign of the type described in Section 605.170(1) and (2).
4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing an identification card or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers.

SECTION 605.170: GENERAL PROHIBITIONS

No peddler, solicitor or canvasser shall:

1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.

2. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
3. Enter upon any private property where the current occupant has posted the property on the City's "no visit" list, except where the posting form indicates the occupant has given permission for this type of visit, regardless of whether a front yard sign is posted.
4. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
5. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
6. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M. in the hours of Central Standard Time and 9:00 A.M. and 9:30 P.M. in the hours of Central Daylight Time.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

SECTION 605.180: VIOLATION TO BE PROSECUTED AS TRESPASS

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the City. The penalty for such violation shall be the same as for any other trespass.

ARTICLE II. VEHICLES FOR HIRE

SECTION 605.190: BUSINESSES OPERATING VEHICLES FOR HIRE TO COMPLY WITH REGULATIONS

Any person, firm or corporation owning or operating taxicabs, buses and gas-propelled motive transportation for transport of persons for hire in the corporate limits of the City of Mount Vernon, Missouri, shall comply with the following regulations to obtain and hold a permit to operate such vehicle. (Ord. No. 7.12 §1, 12-11-67)

SECTION 605.200: PROOF OF FINANCIAL RESPONSIBILITY

The owner of all the aforesaid vehicles operating in the City limits of Mount Vernon, Missouri, shall furnish and file with the City Clerk, for approval by the Board of Aldermen, satisfactory bond, proof of financial responsibility or certificate of insurance before the issuance of permit to operate with

minimum liability coverage in the following amounts:

- One hundred thousand dollars (\$100,000.00) for one (1) person
- Three hundred thousand dollars (\$300,000.00) for two (2) or more persons
- Fifty thousand dollars (\$50,000.00) property damage for each accident

Said certificate of insurance to be retained by the City Clerk during the term of such permit. In addition, the owner shall also furnish to the City Clerk of Mount Vernon, Missouri, a certified copy of the driving record for all persons driving the aforesaid vehicles, said driving record to be in the form of a certified copy as issued by the Supervisor, Driver's License Unit, Department of Revenue, Jefferson City, Missouri, said certified copy to be retained by the City Clerk during the term of such permit. (Ord. No. 7.12 §6, 12-11-67; Ord. No. 7.18 §1, 2-1-78)

SECTION 605.210: ANNUAL LICENSE FEE

The annual license fee shall be twenty dollars (\$20.00) per annum for each vehicle; said sum to be paid to the City Collector upon the approval of the permit by the Board of Aldermen. (Ord. No. 7.12 §7, 12-11-67)

SECTION 605.220: DISPLAY OF CHARGES

All taxicabs, buses and gas-propelled motive transportation for transport of persons for hire are hereby required to display the rates charged for transportation of persons within the City limits from within the City to the City parks and swimming pool and from within the City to the Missouri State Sanatorium by an appropriate sign on each side of said taxicab, bus or motive transportation plainly visible with letters and figures at least three (3) inches square of contrasting color to the background of said sign. (Ord. No. 7.13 §1, 11-4-69)

SECTION 605.230: TAXICAB SERVICE PROVIDING AFFORDABLE USE TO ELDERLY OR HANDICAPPED CITIZENS

- A. A taxicab service is hereby established for the use and benefit of the citizens of the City of Mount Vernon, Missouri, with special emphasis to be placed on providing affordable use to the elderly or handicapped citizens of the City of Mount Vernon, Missouri; and that said taxicab service shall be available from 8:30 A.M. through 4:00 P.M. each day Monday through Friday of each week, except for holidays recognized by the City of Mount Vernon, Missouri.
- B. The fee shall be charged for use of this taxicab service; and the rate for use for the citizens of the City of Mount Vernon, Missouri, shall be established from time to time, by resolution of the Board of Aldermen of the City of Mount Vernon, Missouri, and shall be set forth on a schedule and maintained in the office of the City Clerk of Mount Vernon, Missouri.
- C. The position of taxicab operator for the City of Mount Vernon, Missouri, is hereby established subject to obligations and duties and along with benefits as may, from time to time, be established by the Board of Aldermen of the City of Mount Vernon, Missouri, and administered by the City Administrator of the City of Mount Vernon, Missouri. (Ord. No. 1.197 §§1-3, 5-9-00; Ord. No. 1.231 §1, 6-28-05)

§ 605.240

Mount Vernon City Code

§ 605.240

ARTICLE III. SIDEWALK SALES

SECTION 605.240: SIDEWALK SALES

It shall be unlawful for any person to use more than two (2) feet from the outside wall of any building along any sidewalk within the City of Mount Vernon for the purpose of exhibiting samples or samples of goods for sale. (Ord. No. 3.01 §30, no date)

CHAPTER 610: GROSS RECEIPTS TAX

SECTION 610.010: MAINTENANCE OF GROSS RECEIPTS TAX IMPOSED UPON POWER AND LIGHT COMPANY

The City of Mount Vernon, in order to maintain its sources of revenue at its historical level, hereby determines to maintain the five percent (5%) gross receipt tax against the gross receipts of any commercial company supplying gas, electric, telephone or fiber optic service. (Ord. No. 5.88 §§1–2, 1-13-87; Ord. No. 5.90 §§1–2, 6-9-87; Ord. No. 5.98 §§1–2, 6-13-89; Ord. No. 5.100 §§1–2, 12-12-89; Ord. No. 5.104 §§1–2, 7-9-91; Ord. No. 5.111 §§1–2, 12-8-92; Ord. No. 5.114 §§1–2, 6-8-93; Ord. No. 5.115 §§1–2, 6-8-93)